

To the Members of the California State Assembly:

I am returning Assembly Bill 3063 without my signature.

AB 3063 would codify in statute the prohibition for an employer to ask an applicant to disclose information concerning a criminal conviction that was judicially ordered sealed, expunged, or statutorily eradicated, or information concerning a misdemeanor conviction for which probation has been successfully completed or otherwise discharged.

Existing regulations prohibit the practices this bill seeks to address. However, by codifying into the Labor Code an existing regulatory prohibition on employment inquiries concerning “expunged” convictions, the bill may unintentionally promote legal confusion as “expungement” is a somewhat ambiguous term which has been inconsistently interpreted by the courts. Codifying this regulatory prohibition into the Labor Code will also very likely result in new private litigation under the Private Attorneys General Act of 2004, with no demonstrated problem to actually establish a need for this new law.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger